



1997 SENATE BILL 506

March 17, 1998 - Introduced by Senator BURKE, cosponsored by Representative BOCK. Referred to Committee on Labor, Transportation and Financial Institutions.

1 **AN ACT to renumber** 346.94 (7); and **to create** 346.94 (7) (b) of the statutes;
2 **relating to:** liability for spilling waste or foreign matter upon or along a
3 highway.

Analysis by the Legislative Reference Bureau

Current law requires the driver of every vehicle transporting waste or foreign matter on the highways of this state to provide adequate facilities to prevent such waste or foreign matter from spilling on or along the highways. This state's supreme court has held that a violation of this law is not a sufficient basis for imposing liability for damages caused by the spilled waste or foreign matter. *Kalkopf v. Donald Sales & Mfg. Co.*, 33 Wis.2d 247 (1967).

This bill makes a person who spills waste or foreign matter from his or her vehicle on or along the highway liable for any harm to another user of the highway or another vehicle caused by the spilled waste or foreign matter.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 346.94 (7) of the statutes is renumbered 346.94 (7) (a).

5 **SECTION 2.** 346.94 (7) (b) of the statutes is created to read:

